

3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169

LEWIS  **ROCA**

John E. Bragonje
State Bar No. 9519
Brian D. Blakley
State Bar No. 13074
LEWIS ROCA ROTHGERBER CHRISTIE LLP
3993 Howard Hughes Pkwy, Suite 600
Las Vegas, NV 89169-5996
Tel: 702.949.8200
Fax: 702.949.8398
E-mail: jbragonje@lewisroca.com
E-mail: bblakley@lewisroca.com

Dana M. Susman (*Pro Hac Vice Pending*)
Daniel Gimmel (*Pro Hac Vice*)
KANE KESSLER, P.C.
600 Third Avenue, 35th Floor
New York, NY 10016-1901
Tel: 212.541.6222
Fax: 212.245.3009
E-mail: dsusman@kanekessler.com
dgimmel@kanekessler.com

Attorneys for Defendant All Saints Retail Limited

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BLITZ NV, LLC,

Plaintiff,

vs.

ALL SAINTS RETAIL LIMITED,

Defendant.

Case No.: 2:21-cv-00089-GMN-EJY

**STIPULATION AND ~~PROPOSED~~
ORDER TO EXTEND TIME TO RESPOND
TO AMENDED COMPLAINT AND TO
CONTINUE RULE 26(F) SCHEDULING
CONFERENCE**

(SECOND REQUEST)

Defendant All Saints Retail Limited and Plaintiff Blitz NV, LLC, by and through their respective undersigned counsel, hereby stipulate as follows:

1. Plaintiff initiated this action by the filing of a summons and complaint on January 15, 2021. On March 9, 2021, Defendant filed a motion to dismiss [ECF No. 12], based on

1 lack of personal jurisdiction, subject matter jurisdiction and for failure to properly serve
2 Defendant with process.

3 2. In response, on March 23, 2021, Plaintiff filed a response to the Motion to Dismiss
4 asserting that the motion to dismiss be denied as moot or soon to be moot [ECF No.
5 19], the First Amended Complaint [ECF No. 18], along with a Motion to Extend Time
6 to Serve Process Upon Defendant All Saints Retail Limited Pursuant to FRCP 4(m)
7 (“Motion to Extend”) [ECF No. 20].

8 3. Thereafter, the parties continued to have settlement discussions, and as part of these
9 discussions, Defendant has agreed to waive service of the Summons and Complaint
10 pursuant to Rule 4(d). Defendant will promptly provide the appropriate, duly executed
11 waiver of service form, which will then be filed with this Court. In light of the
12 agreement to waive of service, the parties agreed that the Motion to Extend was moot.

13 4. On March 31, 2021, the Court ordered that Defendant’s deadline to respond to the First
14 Amended Complaint will be on or before June 28, 2021, and that the date to hold the
15 Rule 26(f) conference would be 30 days from Defendant’s response to the First
16 Amended Complaint, but no later than July 28, 2021, and the Discovery
17 Plan/Scheduling Order would be due 14-days thereafter [ECF No. 24].

18 5. On June 18, 2021, the parties stipulated to a further 30-day extension of the deadlines,
19 and on June 21, 2021, the Court ordered that Defendant’s deadline to respond to the
20 First Amended Complaint will be on or before July 28, 2021, and that the date to hold
21 the Rule 26(f) conference would be 30 days from Defendant’s response to the First
22 Amended Complaint, but no later than August 27, 2021, and the Discovery
23 Plan/Scheduling Order would be due 14 days thereafter [ECF No. 30].

24 6. To allow for continued settlement discussions, the parties have agreed to extend by 30
25 days Defendant’s deadline to respond to the First Amended Complaint, which deadline
26 will be on or before August 27, 2021. Such stipulation is without prejudice and with
27 the express reservation of rights by each party. Without limiting the foregoing,
28 Defendant expressly reserves all defenses and objections to the lawsuit, the Court’s

personal and subject matter jurisdiction and the venue of this action, and Plaintiff expressly reserves all arguments and allegations in connection with personal and subject matter jurisdiction and the venue of this action.

7. Further, commensurate with the settlement discussions and extending the deadline to respond to the First Amended Complaint, the parties further request a thirty-day continuance of the deadlines to hold the Rule 26(f) conference and submit a Discovery Plan/Scheduling Order for 30 days from the date of Defendant's response to the amended complaint, but no later than September 27, 2021 for the 26(f) conference and 14-days thereafter to file the Discovery Plan/Scheduling Order .

8. There is currently no trial or hearings scheduled in this matter.

Dated this 16th day of July, 2021

FLANGAS LAW GROUP

By: /s/ Kimberly Stein

Kimberly P. Stein
Nevada Bar No. 8675
Email: kps@fdlawly.com
3275 South Jones Blvd., Ste. 105
Las Vegas, NV 89146
Tel: (702) 307-9500

CARLTON FIELDS
William Giltinan (*Pro Hac Vice*)
FL Bar No. 27810
4221 W. Boy Scout Blvd., Ste. 1000
Tampa, Florida 33607-4241
(813) 229-4241

Attorneys for Plaintiff Blitz NV, LLC

Dated this 16th day of July, 2021

LEWIS ROCA ROTHGERBER CHRISTIE LLP

By: /s/ John E. Bragonje

John E. Bragonje
State Bar No. 9519
Email: jbragonje@lrrc.com
Brian D. Blakley
State Bar No. 13074
E-mail: bblakley@lewisroca.com
3993 Howard Hughes Pkwy, Suite 500
Las Vegas, NV 89159-5996
Tel: (702) 949-8200

KANE KESSLER, P.C.
Dana M. Susman (*Pro Hac Vice Pending*)
Daniel Gimmel (*Pro Hac Vice*)
600 Third Avenue, 35th Floor
New York, NY 10016
Tel: 212-541-6222

Attorneys for Defendant All Saints Retail Limited

ORDER

IT IS SO ORDERED that:

1. Defendant's deadline to respond to the First Amended Complaint [ECF No. 18] will be August 27, 2021.
2. The current date to hold the 26(f) conference is continued until 30 days from Defendant's response to the First Amended Complaint, but no later than September 27, 2021, and the Discovery Plan/Scheduling Order would be due 14-days thereafter.


UNITED STATES MAGISTRATE JUDGE

Dated: July 19, 2021